

# **BHUTAN 2012 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Bhutan is a democratic, constitutional monarchy whose king, Jigme Khesar Namgyel Wangchuck, is the head of state, with executive power vested in the cabinet, headed by Prime Minister Jigme Thinley. The country held its first general election for the National Assembly in 2008, and an EU election-monitoring team declared that the election met international standards and was free and fair. In 2011 the country held nonpartisan local elections, with Danish election observers reporting no significant irregularities. Security forces reported to civilian authorities.

Principal human rights problems included the regulation of religion, limitations on activities the government viewed as undermining national identity and stability, and continued government delays in implementing a process to identify and repatriate refugees in Nepal with legitimate Bhutanese citizenship claims.

Other human rights problems included continued incarceration of political prisoners, restrictions on freedom of assembly and association, social stigma against persons with disabilities, and laws prohibiting same-sex sexual activity. One nongovernmental organization (NGO) reported some cases of human trafficking.

There were no reports of impunity for government security forces.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances, abductions, or kidnappings.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits such practices, and there were no reports that government officials employed them.

### **Prison and Detention Center Conditions**

Prison and detention center conditions generally met international standards.

Physical Conditions: In July 2011 the Royal Bhutan Police (RBP) reported 1,001 prisoners, including 32 women and 48 children in seven of the country's 21 prisons. According to police, although there are no separate prisons designated for women and children, women were held separately at detention centers and children at rehabilitation or juvenile centers. Police stated that prisoners had access to potable water and ad hoc informal education programs and were able to elect their block representatives. During prison visits the National Assembly Human Rights Committee (NAHRC) observed cramped prison cells and a lack of adequate toilets, recreational facilities, proper ventilation, lighting, electric fans, blankets, and mattresses. The NAHRC recommended improving infrastructure and facilities; building separate prisons for men, women, and juvenile delinquents; reducing overcrowding; establishing informal education centers; and setting up health clinics.

Administration: Authorities generally allowed prisoners to observe religious practices. There was a report from 2011 that Christian prisoners in Chamgang Central Jail could not conduct group prayers.

Officials allowed visitors reasonable access to prisoners and detainees. According to the International Committee of the Red Cross (ICRC), during the year the government allowed 20 families from the refugee camps in Nepal access to their relatives in Chamgang Central Jail near Thimphu, down from 38 families in 2011, in part due to successful resettlement programs that moved refugee families from Nepal to third countries. One NGO stated the government treated visitors fairly, assisting with transportation to and from Thimphu and the jail and providing them special accommodation.

There was no available information on the existence of an ombudsman or other complaint mechanism, recordkeeping on prisoners, or alternative sentencing for nonviolent offenders.

Monitoring: The government continued to permit the ICRC to make prison visits to persons detained in relation to crimes against the security of the state. In September the ICRC conducted visits to two separate prisons and reported fair conditions overall. The ICRC was allowed access to 68 detainees. The government did not grant other international human rights groups prison access.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

The RBP, which reports to the Ministry of Home and Cultural Affairs, is responsible for internal security. The Royal Bhutan Army is responsible for defending against external threats but also has responsibility for some internal security functions, including counterinsurgency operations, guarding forests, and providing security for prominent persons. The army and police have procedures to conduct internal investigations of alleged personnel misconduct. Official courts of inquiry adjudicate the allegations. The king or a senior official makes the final determination on the outcome of a case. There were no reports that impunity was a problem.

By law, a Police Service Board, made up of senior police personnel and a Ministry of Home and Cultural Affairs representative, investigates cases of abuse. Police officers can face criminal prosecution for human rights violations. The RBP has institutional reviews, human rights training, and accountability procedures for its personnel. The Civil and Criminal Procedure Code (CCPC) also provides an avenue to check on any abuse of power in criminal investigations by an investigating officer of the RBP.

There were no reports of societal violence.

#### **Arrest Procedures and Treatment While in Detention**

Under the law, police may not arrest a person without a warrant or probable cause, and police generally respected the law. Authorities must issue an immediate statement of charges and engage in reasonable efforts to inform the family of the accused. The law requires authorities to bring an arrested person before a court within 24 hours, exclusive of travel time from the place of arrest. Bail is available

depending on the severity of charges and the suspect's criminal record, flight risk, and potential threat to the public. The law provides for prompt access to a lawyer provided by the state.

Amnesty: The king did not grant amnesty to any prisoners during the year.

#### **e. Denial of Fair Public Trial**

The government generally respected the constitutional provision for an independent judiciary. The Judiciary Services Act establishes the formal separation of the judiciary from the executive and sets professional standards for judges and other judicial service personnel. In practice the judiciary generally enforced the right to a fair trial. The National Judicial Commission (NJC) oversees the judiciary.

The Supreme Court oversees the interpretation and application of the constitution and serves as the highest appellate authority. The NJC nominates, and the king confirms, judges to the High Court and 20 district court justices. The king may remove, suspend, or censure judges only at the request of the NJC.

#### **Trial Procedures**

The law stipulates that defendants must receive fair and speedy trials, and the government generally respected this right in practice. A preliminary hearing must be convened within 10 days of registration of a criminal matter with the appropriate court. Before registering any plea, courts must determine whether an accused is mentally sound and understands the consequences of entering a plea. Defendants enjoy a presumption of innocence, and cases must be proved beyond a reasonable doubt to obtain convictions. The government has prescribed a standing rule for all courts to clear all cases within a year. There is no trial by jury, as the country has an inquisitorial judicial system.

Punishments include imprisonment, probation, fines, or a requirement for restitution of loss. Defendants have the right to appeal to the High Court and may make a final appeal to the king, who traditionally delegates the decision to the Royal Advisory Council. The appeal process was not always been respected, according to the NAHRC. Trials are generally conducted publicly. The law grants defendants and their attorneys access to state evidence. Only the court can determine if there is a need to question witnesses, after which the prosecutor and defendants are allowed to conduct cross examinations.

Courts try criminal and civil cases under the legal code. State-appointed prosecutors for the attorney general are responsible for filing charges and prosecuting cases for offenses against the state. In other cases relevant organizations or government departments file charges and conduct prosecutions.

While the law provides for the right to representation in criminal cases, notably for those who cannot afford representation, most defendants represented themselves before the court. The law states that defendants may choose legal representation from a list of licensed advocates. The government promoted the use of judiciary Web sites for legal information as a means of self-help for defendants. There were no reports that any groups were denied the right to trial.

### **Political Prisoners and Detainees**

NGOs claimed, as they did the previous year, there were at least 67 political prisoners in Chamgang Central Jail in Thimphu. Police did not reveal whether there were political prisoners charged with crimes against state security. Since 2010 the government had released 11 political prisoners, including one who was granted amnesty by the king.

### **Civil Judicial Procedures and Remedies**

The CCPC governs the resolution of criminal trials and civil litigation and states that a suit may be initiated by a litigant or a member of the litigant's family. The CCPC also provides for compensation to people detained or subjected to unlawful detention but later acquitted. Often local or community leaders assist in resolving minor disputes.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution states that persons "shall not be subjected to arbitrary or unlawful interference with his or her privacy, family, home, or correspondence, nor to unlawful attacks on the person's honor and reputation," and the government generally respected these prohibitions.

The law requires citizens to adhere to a national dress code in government buildings during daylight hours, but there are no public dress codes.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press. Citizens can publicly and privately criticize the government without reprisal.

Freedom of Speech: The constitution provides for freedom of speech including for members of the press, and the government generally respected these rights in practice.

Freedom of Press: The media law does not provide specific protections for journalists or guarantee freedom of information. However, the government generally allows freedom of the press and facilitates a monthly press conference with the prime minister. Media self-censorship was a regular topic of discussion at these meetings. Media sources suggested that while there is commitment at the highest levels to provide the media with information, some media professionals continued to find it difficult to access information from public officials, especially on issues of corruption and violations of the law.

Independent media outlets relied heavily on government advertisements for revenue. In August the Ministry of Information and Communication (MIC) withdrew advertisements from one print source, *The Bhutanese*, leading NGOs to accuse the government of indirect media control. The MIC said the move was the result of a blanket budgetary restriction on government advertising imposed by the Ministry of Finance. In August the Election Commission also announced all election-related advertisements would be printed only in state-owned media, causing concern that independent media might lose a major source of income.

Censorship or Content Restrictions: In its Freedom of the Press 2012 report, Freedom House described high levels of self-censorship among media practitioners, despite few reports of official intimidation or threats.

### **Internet Freedom**

As of June 30, the country had approximately 150,000 Internet subscribers, which represented 21 percent of the population. Individuals and groups generally were permitted to engage in peaceful expression of views via the Internet. Government officials stated that the government did not block access, restrict content, or censor Web sites. However, Freedom House reported the government occasionally blocked access to Web sites containing pornography or information deemed

offensive to the state; such blocked information typically did not extend to political content.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom and cultural events.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

While the constitution provides for the right to assemble peacefully, the government restricted this right. Government officials said they discouraged public protests or assemblies, as they disturb the peace and can lead to public instability. All protesters must obtain government approval before staging public demonstrations. There were reports that the government did not allow public assembly by Christian groups. NGOs reported that no demonstrations occurred during the year.

### **Freedom of Association**

The constitution provides for freedom of association, and the government permitted the registration of some political parties and organizations, but only those “not harmful to the peace and unity of the country.” There were reports that most of the NGOs in the country operated under the umbrella of the royal family. In its Freedom in the World 2012 report, Freedom House stated that NGOs working on sensitive issues, including human rights and the plight of Nepali-speaking refugees, were not permitted to operate legally.

## **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

## **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government limited freedom of movement and repatriation.

Exile: The law does not address forced exile, and there were no reported cases of forced exile during the year. In the early 1990s, the government forced approximately 90,000 Nepali-speaking persons to leave the country, following a series of steps taken during the 1970s and 1980s to deprive the Nepali-speaking population of citizenship. As of September, after years of resettlement internationally, approximately 40,000 Bhutanese Nepali-speaking refugees remained in the Nepal refugee camps administered by the Office of the UN High Commissioner for Refugees (UNHCR). The government continued to criticize the UNHCR for its failure to screen individuals who originally entered these camps to determine whether they had genuine claims to Bhutanese citizenship. The government maintained that individuals who entered the camps before the establishment of screening and registration mechanisms were not citizens and were using the camps as a base for terrorist activities against the state.

Emigration and Repatriation: There continued to be government delays in implementing a process to identify and repatriate refugees in Nepal.

Citizenship: The law provides for revocation of the citizenship of any naturalized citizen who “has shown by act or speech to be disloyal in any manner whatsoever to the king, country, and people.” The law permits reapplication for citizenship after a two-year probationary period. The government again grants citizenship upon successful completion of the probation and a finding that the person in question was not responsible for any act against the government.

## **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

The Central Tibetan Administration (CTA) reported that from the 1960s Bhutan had sheltered approximately 3,000 Tibetan refugees who were initially located in seven settlements in Bhutan. The government reported that the Tibetans were integrated and that approximately 1,500 had applied for and received Bhutanese citizenship. The CTA is not allowed to have an official presence in the country and could not provide social and economic assistance to Tibetans in Bhutan.



Employment: There were unconfirmed reports some Tibetan refugees could not obtain security clearances for government jobs, enroll in higher education, or obtain licenses to run private businesses.

Access to Basic Services: The government stated that the Tibetan refugees are permitted the same access to government-provided health care and education as Bhutanese citizens, and access was given in practice.

Durable Solutions: The government discouraged Tibetans from voting in the CTA elections and reportedly told them that doing so would make them ineligible for future citizenship. According to official sources, in practice Tibetan refugees were given tacit permission to vote in the CTA elections, and suffered no reprisals. Tibetan refugees were permitted to travel to India freely, but there were also reports the government did not provide travel documents to enable some Tibetan refugees to travel beyond India.

### **Stateless Persons**

Implementation of a nationwide government census in 1985 resulted in the denaturalization of many Nepali-speaking individuals within the country because land ownership documents dated before 1958 were required to retain citizenship. The census was repeated in 1988-89 in the southern districts, and those who lost citizenship in 1985 were at that time permitted to reapply for citizenship provided they met certain conditions. The government then labeled as illegal immigrants those who could not meet the new, more stringent citizenship requirements and expelled them to refugee camps in Nepal. According to NGOs, stateless persons remained in Bhutan, mainly in the south, but their number was unknown. Stateless persons cannot obtain No Objection Certificates and Security Clearance certificates, which limited their access to employment, business ownership, and school attendance at higher-level institutions.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

In 2008 the country completed a successful transition from an absolute hereditary monarchy to a constitutional monarchy with a bicameral elected parliament. The constitution provides for a separation of powers.

### **Elections and Political Participation**

The constitution provides the right for citizens to change their government peacefully, and citizens exercised this right in practice.

Recent Elections: In 2011 the government successfully held nonpartisan local elections at the district and subdistrict levels. In 2008 voters elected the country's first National Assembly, the lower house of parliament. The ruling Druk Phensum Tshogpa (DPT) party won 45 of 47 seats. Human Rights Watch reported the government excluded 13 percent of the Nepali-speaking population from voting because they were considered "nonnationals" in the 2005 census. International monitors reported the elections were generally free and fair, with no reports of irregularities during the election process.

Political Parties: The constitution states that political parties shall promote national unity and shall not resort to regionalism, ethnicity, and religion to incite voters for electoral gain. Political parties are required to be broad based with cross-national membership and may not receive money or any other assistance from foreign sources. While only two political parties contested the 2008 national elections, five parties registered to contest the 2013 elections. In 2012 political parties experienced debt problems because they could not sustain their operations solely on membership dues. The government provided funding only for general elections and maintained rigid guidelines on party financing. In order to run for office, candidates must forfeit the right to hold a civil service job in the future, even if they lose the election.

The Druk National Congress (DNC), established in 1994 by Bhutanese refugees in exile, continued to claim the government denied independent parties the ability to operate effectively. The DNC was unable to conduct activities inside the country.

Participation of Women and Minorities: Women comprised 31.6 percent of civil servants. The parliament had 10 female members, including six women on the National Council and four in the National Assembly. There was one woman on the Supreme Court and one on a district court. In 2012 Druk Chirwang Tshogpa became the first political party headed by a woman. Voters elected a woman to head one of 205 subdistricts in the 2011 district and subdistrict elections.

The Election Commission reported there were 20 Nepali-speaking minority members of parliament, including 15 in the National Assembly and five on the National Council. One Hindu and one Christian also served on the National Council.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. In July 2011 the government passed the Anti-Corruption Act, which is based on the UN Convention against Corruption, expands the Anti-Corruption Commission's (ACC) mandate to cover the private sector, and enhances the ACC's investigatory powers and functions. The government took an active role in addressing official corruption issues through the public accounts committee in the National Assembly and the Royal Audit Authority, which monitored the use of government funds. The government's ACC is authorized to investigate cases of official corruption and allows citizens to post information on its Web site regarding corrupt practices. The ACC reportedly had a backlog of 350 complaints.

In September the ACC investigated several senior ministers and bureaucrats, including the home minister and prime minister, on charges of illegal sale and registration of government land in Gyelpozhing Township and published an investigative report on its Web site. The Office of the Attorney General reviewed the investigation for legal validity and determined the case was not admissible. The investigation and court case were ongoing at year's end.

Right to information is constitutionally mandated; however, no law provides for public access to government information. Several ministries publish laws, regulations, budgets, and other relevant information on Web sites to enhance transparency.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

According to international NGOs, local civil society organizations practiced self-censorship to avoid conflict with the government, and the majority of them focused on social issues, including women's rights, and environmental issues. The government regarded human rights groups established by the exiled Nepali-speaking minority as political organizations and did not permit them to operate.

UN and Other International Bodies: The ICRC was the only international human rights monitoring group officially operating in the country.

Government Human Rights Bodies: The NAHRC, a parliamentary committee on human rights, conducts human rights research on behalf of the National Assembly.

Under the law the Civil Society Organization (CSO) Authority had responsibility to oversee the accountability and transparency of civil society operations; various civil society organizations functioned locally and informally. Since 2010 the CSO Authority had registered 29 CSOs in the country.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution prohibits discrimination on the basis of race, sex, disability, language, religion, politics, or social status, but the government did not always respect these prohibitions in practice.

### **Women**

Rape and Domestic Violence: The law defines criminal sexual assault and specifies penalties. In cases of rape involving minors, sentences range from five to 17 years in prison. In extreme cases, a person convicted of rape may be imprisoned for life. NGOs reported many women did not report rape because of cultural taboos or because they were unaware of their rights. Spousal rape is illegal.

Three police stations across the country house Women and Child Protection Units to address crimes involving women and children. The law prohibits domestic violence. Penalty for perpetrators of domestic violence ranges from a jail sentence of one month to three years. Offenders are also fined the daily minimum national wage for 90 days. According to the UN Committee on the Elimination of Discrimination against Women (CEDAW), the government commissioned a report on violence against women, set up mobile police stations, trained police on gender issues, and allowed civil society groups to undertake further efforts, including the opening of a crisis and rehabilitation center. CEDAW expressed concern over reports of violence against women by their spouses or other family members and at work.

Sexual Harassment: The Labor Employment Act has specific provisions to address sexual harassment in the workplace. CEDAW expressed concern about the large number of reported sexual harassment cases in the workplace.

Reproductive Rights: The country has no legal restrictions regarding the number, spacing, or timing of children, and there were no reports of coercion regarding reproduction. According to the UNFPA's 2012 State of World Population Report, the maternal mortality ratio in 2010 was 180 deaths per 100,000 live births, and 58

percent of births were assisted by skilled personnel. The government's 2010 Annual Health Bulletin attributed maternal deaths to delivery at home, poor quality of available care, lack of easy access to emergency medical facilities, and unsafe abortions. The National Statistics Bureau reported that in 2011 contraceptive use by women was 65.6 percent among married women or women in civil unions; 30.2 percent among girls and women ages 15-19; and 56.5 percent among women ages 20-24.

Discrimination: The law covers questions related to family issues, including divorce, child custody, and inheritance. NGOs reported that women faced little overt discrimination and had equal access to health care, education, and public services, including for HIV/AIDS treatment and services. Women were accorded respect in the traditions of most ethnic groups and participated relatively freely in the social and economic life of the country. Inheritance law provides for equal inheritance for sons and daughters, but traditional inheritance practices, which varied among ethnic groups, may be observed if the heirs choose to forgo legal challenges. Traditional inheritance laws for the majority of Buddhists stipulate that daughters inherit family land. Tradition dictates that the most capable member of the family runs the household, which often resulted in the mother or eldest daughter holding this position. Within the household, men and women were relatively equal. Employers generally paid women in unskilled jobs slightly less than men in the same positions. According to the government's 2011 Labour Force Survey Report, 67.4 percent of females participated in the workforce, compared with 72.3 percent of males. Dowries were not customary.

The law mandates the government take appropriate measures to eliminate all forms of discrimination and exploitation of women, including trafficking, abuse, violence, harassment, and intimidation, at work and at home, and generally the law was enforced. CEDAW expressed concern that the constitution does not adequately define discrimination to include both direct and indirect forms and noted that the government failed to adopt implementation legislation for its international treaty obligations related to women's rights or to provide adequate resources to the National Commission for Women and Children (NCWC) to allow it to operate effectively.

The National Women's Association, a local NGO, worked to improve women's living standards and socioeconomic status, and the NGO Respect, Educate, Nurture, and Empower Women promoted and advocated for women's rights and political participation. The NCWC actively defended the rights of women and children during the year, although CEDAW expressed concern over the limited

resources of the NCWC and its potential lack of independence from government influence. A women's NGO reported concern for the increased number of girls, some of whom were possibly underage, working in bars and discotheques.

## **Children**

Birth Registration: Under the constitution, only children whose parents are both citizens become citizens at birth. According to the Bhutanese Refugee Support Group, existing citizenship laws were inadequate for a child to acquire nationality at birth, and persons who are designated as “nonnationals” are rendered essentially stateless (see section 2.d.). Births in remote areas are less likely to be registered. NGOs asserted that births of children to nonregistered Nepali-speaking individuals may not be registered.

Education: The government provides 11 years of universal free education to children. Education is not compulsory. The law requires proof of birth registration for children to attend school, leaving unregistered children, primarily ethnic minorities and those born in rural areas, without access to education.

Child Abuse: Child abuse was rare. The law prohibits child abuse and provides for a minimum penalty of one year's imprisonment for perpetrators. Corporal punishment is banned in schools, and there were no reported incidents in monasteries. On October 17, *The Bhutanese* reported allegations that a Dzongkha (the national language) teacher in the Budhashi Community Primary School in Goshing, Zhemgang, punished students by injecting them with an unsterilized syringe filled with water. Parents reported their children developed wounds as a result. Initial investigation corroborated the allegations, and officials were further investigating the case at year's end.

Child Marriage: The minimum age of marriage for both men and women is 18. The Bhutan Multiple Indicator Survey 2010 (BMIS) found that 30.8 percent of marriages occurred before age 18 and 6.7 percent before age 15. In 2010, 15.2 percent of girls and young women ages 15-19 were either married or in a union.

Sexual Exploitation of Children: The 2011 Child Care and Protection Act prohibits sexual exploitation, including child pornography, child prostitution, the sale of children, and child trafficking. The legal age of consent is 16 for both males and females.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

The country does not have a Jewish population, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

Aside from the constitution, the law does not specifically protect the rights of citizens with disabilities, but it does direct the government to try to provide security in the “event of sickness and disability.” There was no evidence of official discrimination against persons with disabilities in matters of employment, education, access to health care, or the provision of other state services. The law stipulates that new buildings must be constructed to allow access for persons with disabilities, but the government did not enforce the law consistently. There were reports that hospitals were generally accessible, but that residential and office buildings were not.

Under the Disability Prevention and Rehabilitation Program, the government seeks to provide medical and vocational rehabilitation for persons with all types of disabilities, promote integration of children with disabilities in schools, and foster community awareness and social integration. The approximately 22,000 persons with physical disabilities (3.4 percent of the population, according to a 2005 estimate) lacked necessary infrastructure. There was no government agency specifically responsible for protecting the rights of persons with disabilities.

There were three special education institutes for students with disabilities, including the National Institute for the Disabled in Khaling, which educates visually impaired children, and an education resource unit for the hearing impaired in Paro. There were also special education facilities in Thimphu designed to meet the needs of children who have physical and mental disabilities. Although there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund granted benefits to such

persons. An NGO, the Disabled Persons' Association of Bhutan, was formed in 2011 to change public perception of disability and assist persons with disabilities. In October the UN International Day of Persons with Disabilities was observed in Thimphu.

According to the *Bhutan Observer*, in rural areas there was widespread discrimination against persons with disabilities, and some parents did not send children with disabilities to school.

### **National/Racial/Ethnic Minorities**

Organizations representing exiled Nepali-speaking Bhutanese claimed that Nepali-speaking Bhutanese were subjected to discrimination and prejudice in employment, but the government stated they were proportionally represented in civil service and government jobs.

English is the medium of instruction in all government schools. Dzongkha, the national language, is taught as a subject. The UN Committee on the Rights of the Child expressed concern about the rights of minority children, specifically the Nepali-speaking minority, to take part in their culture, practice their religion, or use their language.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Although there are no laws that explicitly prohibit same-sex sexual activity, laws against “sodomy or any other sexual conduct that is against the order of nature” exist. Under the penal code, a person can be imprisoned for as long as one year for engaging in such acts. One government official noted prosecution under this law was rare, as criminal intent must be proven by the prosecution. There were no reported cases of such charges. There were no LGBT-focused NGOs; social stigma and the legal prohibition may have been impediments to LGBT group organization.

### **Other Societal Violence or Discrimination**

Persons with HIV/AIDS received free medical and counseling services, and the government maintained programs meant to prevent discrimination; discrimination, however, existed.



## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution protects the right of workers to form workers' associations but not for the limited purpose of conducting strikes. The law allows employees to form an association in one workplace if at least 12 employees join the association. There is no national trade union.

The law authorizes a workers' association to negotiate a collective bargaining agreement with employers. The 2007 Labor and Employment Act grants workers the right to pursue litigation.

There are a variety of employers' organizations, such as industrial coalitions, but very few employee unions. Labor ministry officials note the ministry encourages employee organization by conducting awareness-raising activities concerning employee rights during routine labor inspections. The Human Rights Organization of Bhutan stated there was a drivers' association and a tour guides' association. Freedom of association and the right to collectively bargain are respected in practice.

### **b. Prohibition of Forced or Compulsory Labor**

The government prohibits all forms of forced or compulsory labor, and there were no confirmed reports that forced or compulsory labor occurred. Migrant workers from India who work in Bhutan's construction and hydropower sectors, and Indian women and girls who work in domestic service or as caregivers in Bhutan are, however, vulnerable to forced labor. The government effectively enforced laws prohibiting forced labor in organized industries. However, officials admitted there may be forced labor among domestic servants working in private homes, where the labor ministry has no reach. Officials relied on citizens to report forced labor of domestics directly to the police.

See the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

According to the law, the minimum age for employment is 18. However, the law allows for employment of children between the ages of 13 and 17 in environments

that would not be harmful to their health or safety. Labor inspectors operating under the Ministry of Labor and Human Resources enforce child labor laws. The National Commission for Women and Children (NCWC) has conducted baseline studies and raised awareness among relevant ministries on child labor. Children often performed agricultural and construction work, completed chores on family farms, or worked in shops and restaurants after school and during holidays. Child labor also occurred in hotels and automobile workshops. Girls were employed primarily as domestic workers, where they were vulnerable to abuse and exploitation. An estimated 19.6 percent of children between ages five and 14 were child laborers in 2011, and the BMIS established that 18.4 percent of the labor force in 2010 consisted of children under 18.

#### **d. Acceptable Conditions of Work**

The law addresses issues such as minimum wage, sexual harassment, workers' associations, acceptable forms of child labor, and labor inspection regulations. The national minimum wage rate was Nu 3,000 (\$67) per month, and the labor minister stated half the country's workers earned more than the minimum wage. The workday is defined as eight hours with a one-hour lunch break, and employers must grant regular days of rest. Work in excess of this must be paid at 1.5 times the normal rate.

All citizens are entitled to free medical care. The government transported persons who could not receive adequate care in the country to other countries (usually India) for treatment. Workers are eligible for compensation in the case of partial or total disability, and in the event of death, their families were entitled to compensation. Labor regulations grant workers the right to leave work situations that endanger their health and safety. The government employs 23 labor inspectors who are appointed to posts in Thimphu and four permanent regional offices and assisted by technical experts. The government also posts labor inspectors to field offices located at major construction sites such as hydropower plant projects. According to a 2012 World Health Organization report, there were not enough labor inspectors to adequately cover the country's industries. The report stated that in 2010 there were more than 24,745 reported work-related injuries, more than double the number in the previous year.